

## **BOARD OF MAYOR AND ALDERMEN**

**April 17, 2007**

**7:30 PM**

Mayor Guinta called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil,  
Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest

Mayor Guinta stated before we start with the regular agenda I'll just give the Aldermen a brief update on the current storm situation in Manchester so if Chief Kane could please come up.

Chief Kane stated I believe we passed out a situation briefing to go over and let everyone know what happened. Over the weekend I was in contact with City departments as well as the Mayor and on Monday again in the morning we were in contact with City departments and the Mayor's office and by about one o'clock on Monday it was decided that we should open the EOC (Emergency Operations Center) because of the on-going rain situation within the City. At that point in time the situation wasn't anywhere near what we had experienced in the past. On Monday we responded, the Fire Department responded to 29 calls for service...the Police Department had minimal impact in regard to their operation, the Highway Department was out clearing some storm drains. We really didn't have the residential flooding that we had seen in the past. A lot of the calls for service were from water from roofs and that type of thing. Power outages in the City at that time on Monday we had two large areas...not large but one area had 6 people and the other one had 66 people in it. Both of those power outages were cleared by Monday afternoon and we also had a couple of maybe six individuals without power still located throughout the City. As we progressed through the day there were a couple of areas of concern...Maxwell Pond/Black Brook was a concern. It seemed that the area west of the City of Manchester...those communities over there were receiving significantly more rain than we were and also cities north of Manchester. Black Brook continued to rise and there were some concerns with regard to Maxwell Pond Dam...last spring that dam was breached and we were concerned about that again. I can report to you the dam was monitored by Parks and Recreation, Highway and the Fire Departments throughout the day and did never breach. As we continued the next morning we came in and had another briefing...all those briefing notes you'll see in your packet and at that point in time when we left on Monday the river was supposed to crest at 12 feet and was supposed to crest at 2:00 AM and then start to recede from then and when we came in on Tuesday...this morning...the river continued to go up and we're looking at it cresting at 16 feet and at that point in time we were concerned in

regard to some of the mill buildings specifically Jillian's Restaurant which had water in the basement at that time and 250 Commercial Street as well as 670 Commercial Street and 340 Commercial Street...we continued to monitor those buildings lending assistance where we could specifically we had pumps in operations at 670 Commercial Street but the water at this point in time was not getting in. The only place that we had water getting into the buildings was Jillian's Restaurant and 340 Commercial Street...there was a little bit of water getting in there. At this point in time that's kind of where we're at...there's no significant problems in the City with the exception of Piscataquog Park on the west side and in the Millyard. The situation at Piscataquog Park is that the river has overflowed its banks and we've got about 5 feet of water in that park. The park was under construction from the storm damage from the Mother's Day flood (May 2006) and we are going to need to wait until the water goes down before we can assess that situation. Currently, the river seems to be holding and we're anticipating that to go down. I just checked NOAA and as of 5:30 it came down to 16.44. So it appears that the highest point was 16.79 feet...probably in another couple of hours we'll get another reading but it appears to have crested. I will report that we did have three fire crews in the river this evening...they didn't make it very far fortunately they were able to make it to the bank and get out of the river...they did lose their kayaks down the river though but they were pulled out with assistance of Manchester Police, State Police and the Manchester Fire Department. If anyone has any questions.

Alderman DeVries stated Chief I appreciate the update. Do you know...it's probably a Highway Department question but can you tell me if there were any issues with the sewer lines, any backing up and septage in basements or any cross contamination from septage.

Chief Kane stated thank you for that question because it does remind me of another issue I'd like to report. The answer to that question is no...specifically in the Riverdale area where we had those issues last May...there are several areas like that that fixes have been made, different departments had done different fixes and we didn't see those problems that we saw last year in May. Also the building owner's in the Millyard made several changes to their buildings so the impact to their buildings is not the same. Everyone was more prepared for this event I will say than they were last year in May.

Alderman Smith stated we've had a big problem down at Riverfront Park...the Piscataquog River Park and I would imagine we lost a total field and the whole concept of it. Do you think we can get funds again from FEMA or what's the situation...I know that the contractor was going to build a big berm along the river but they never got to the situation and this is the second time in less than a year that we've had Cleveland Street, people on Dunham, Watson Streets having problems as well as Cleveland Street and Bass Island I guess we lost 10 or 12 feet of land and do you know if we're going to...does the Mayor know if we can get funds to alleviate the situation...the second time in 9 months.

Chief Kane stated what I can tell you is that we're starting the same process as we did nine months ago in regard to doing the initial assessments...there's a lot of work that needs to be done but we have started that process this afternoon in regard to seeing if we can get money to recover and what you're saying is to mitigate future problems I'm sure that would be part of the request.

Alderman Smith stated what I'd like to see, Chief, is I'd like to see the situation rectified...we've got to build a berm, we've got to do something along that river and we have a resident I believe at 95 Varney Street...she's lost a lot more land now and I don't know what the situation is...the State Environmental won't let them fill in the back of that land and probably lost another two feet of that land right now.

Chief Kane stated the Fire Department and City departments have been going out visiting these hot spots from last May to see exactly what was going on...we were over at 95 Varney Street today. I'm not sure what we can do with regard to 95 Varney Street...there are some restrictions there but we can certainly look at that again.

Alderman Smith stated if you and the Police Chief could follow up this is a major concern on the west side like I said in 9 months we've been hit twice and it's a very serious situation. Apparently you told me that we didn't have a problem down the hill on Wentworth Street but it's a low-lying area and it's along the river and I'd like to have the situation resolved even if the cost is a substantial amount of money but I think the State and FEMA have to come through along with the City government. Thank you, Joe.

Chief Kane stated there's one other area over on the west side that we're watching closely and that's over on Stark Lane up above the bridge and again we're monitoring that...the people have concerns in regards to loss of power because they have their own pumps and we have been in touch with the State and we have additional pumps, additional generators and resources that can come from the State if we need them.

Alderman Shea stated this is more of a comment. I want to thank Frank Thomas for responding to concerns that my constituents called me about but I think that there are certain drainage situations existing in the City obviously rain does exasperate those situations and I think that the sooner we can get a hold of these problems the better because we really have serious problems connected to constituency...Massabesic and Porter Streets and I can name several others but one of the gentlemen that did call me lost a business, he said he lost over \$10,000 so again the sooner we can try to help these people the better...they pay taxes and the better we can address these problems. I know that there are serious problems connected to parks and other places but constituent's concerns too should be addressed. I don't know if you want to address that, Joe, or not.

Chief Kane asked would that be Jay Mar on Mammoth Road?

Alderman Shea stated yes.

Chief Kane stated Jay Mar had ground water coming into the basement...that situation exists throughout the City...they had about 4 feet of water in the basement up there which we did pump out because yesterday was dry, got into work today and they had water. I know there are drainage problems throughout the City, on-going drainage problems and I know that the Highway Department is aware of those and trying to address those.

Alderman Roy stated I like Alderman Shea would like to commend the Fire Department, Public Works and the Police Department and the Mayor's office for reacting and taking care of constituents. My concern is more along the lines of communication. I've made requests in the past of city officials and I guess I'm going to make this to our Emergency Management Director at this point...if you could assign a staff person to let the 14 Aldermen know when the EOC is open, when briefings happen and any special concerns we should be aware of. I know that a number of calls did go out but not to Aldermen in specific and so now I'm asking you to assign a non-essential staff member to just make the calls...14 of us...we all have emergency numbers...just so we can be aware of that we can offer that to our constituents and that we can follow-up as needed. So, if I could request that of you, Chief.

Chief Kane stated sure.

Mayor Guinta stated it's fine, however, as soon as we opened it I called Alderman Lopez...we now have the live feed, MCTV announced it, we do want to communicate as much as we can to the Aldermen but I think we're fairly effective in doing that already.

Alderman Lopez stated I have to concur to this degree...the Mayor did call me, I did attend one meeting and during the conversation I asked the Mayor...fortunately we're having a meeting tonight otherwise these notes would have all went out to the Aldermen number one. Secondly, the EOC now has...anytime it's open MCTV is over there and right after the briefing from the officials, the press release is done by the Mayor...if that's what the Alderman wants that's fine I think it's not necessary at this stage.

Alderman Roy stated if I could respond to that Mayor.

Mayor Guinta called upon Alderman Roy.

Alderman Roy stated Mr. Chairman while I agree that it is what I want is to have the notification. A number of times yesterday I checked Channel 22 as I watched the nice ribbon cutting ceremony last week and unless you catch Channel 22 at that specific time of a briefing or a comment you're not getting any information. My problem is it should not be

the Chairman of the Board's job to notify the 14 members here. We have city staff, we have a number of people in that room, we have the Mayor's office...it appears as though the Mayor's whole staff except for the secretary was at every briefing and that I would like is my personal knowledge for representing my constituents that if the EOC is open that we're just made aware of it. Last year during the May floods I was out-of-town on Mother's Day, I didn't find out until later the next day. We all have our own needs and wants, we all have cell phones, the Fire Department has our emergency numbers and I would just ask that instead of the onus being placed on you as Chairman of the Board that the Chief assign a staff member that's there, that when the time is appropriate that they make the calls to any aldermen that requests it.

Alderman Lopez stated the will of the Board if that's what they want.

Alderman Pinard stated I like Mark Roy's statement because I brought that up last year during the disaster that we had here. We're elected by the people of our wards. People of our wards call us to find out what's going on. I just had an incident in Ward 6 again at Cohas Brook, I got a hold of the Mayor and I got a hold of the other people but this could have been brought up to the EOC as one of the areas that was under water so I agree that we have enough staff in this City that somebody should be able to call the Aldermen...Carol Johnson takes the time and Paula to call us for special meetings. Well, I think that somebody should be assigned because again I repeat we're elected by the people and they're looking for information from their Aldermen. Thank you, your Honor.

Mayor Guinta asked are there any other comments. There were none. Thank you very much, Chief.

### **CONSENT AGENDA**

Mayor Guinta advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Informational – to be Received and Filed**

- B.** Communication from Peter Favreau advising of his resignation as a member of the Fire Commission due to his permanent relocation to St. Petersburg, FL.
- C.** Minutes of an MTA Commission meeting held on February 27, 2007 and the Financial and Ridership Reports for the month of February 2007.
- D.** Minutes of the Mayor's Utility Coordinating Committee meeting held on March 21, 2007.

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON BILLS ON SECOND READING**

- E.** Recommending that Ordinance:  
“Amending Sections 33.024, 33.025 & 33.026 (Deputy Public Health Director and Public Health Preparedness Administrator) of the Code of Ordinances of the City of Manchester.”  
ought to pass.  
*(Unanimous vote)*

### **COMMITTEE ON JOINT SCHOOL BUILDINGS**

- F.** Advising that it has authorized the Highway Department to take any action necessary or advisable to complete work identified by the City within the scope of the Gilbane Design Building Contract or to correct any such work that is defective and to charge the Gilbane Design Build contract for all costs associated with said work in an effort to address life-safety and other school work.  
*(Unanimous vote except for Alderman Thibault who was absent.)*
- G.** Advising that it has accepted the April 2007 monthly report on the School Facilities Improvement Program and is forwarding same to the Board for informational purposes.  
*(Unanimous vote except for Alderman Thibault who was absent.)*

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O’NEIL, DULY SECONDED BY ALDERMAN GARRITY, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

### **50/50 Sidewalk Petitions – approve subject to the availability of funding**

- A.** Communication from Jay Davini, Public Utilities Coordinator, requesting approval of all 50/50 sidewalk petitions currently being held.

Alderman Shea stated this is the 50/50 Sidewalk Petitions and why I took it off just to discuss it is that last year one of my constituents or two of them paid...one paid almost \$10,000 I believe and they kept wondering when their curbing and when their sidewalks were going to be installed. My point is that according to what that person was told is these people that do it, these private companies start on a certain section of the City and then work their way around and it seems that every year my ward is probably the last to receive this. Now I’m not saying they don’t do a good job. I’m not saying that the people that receive the services aren’t pleased...it’s the timing and I think that if a schedule is worked out...one year they should start on the west side, work to the north end and then come around to the east side. The next year they should start at the north end to the east side to the west side and the following year the east side, the west side and the north end. It shouldn’t be the same

schedule every year so that the people that are in Ward 7 receive their particular sidewalks and curbs the last ones. So, that's why I'm bringing it up. Now Frank is here and he may know, maybe he might contradict me but that's my understanding of how this process works and it think that it should be done so that the companies themselves have a rotating basis and he's shaking his head saying that so apparently my information is correct.

Alderman Shea moved to approve the 50/50 Sidewalk Petitions subject to the availability of funding. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

4. Mayor Guinta presented the following nominations pursuant to Section 3.14(b) of the City Charter:

**Manchester Development Corporation:**

Sean Owen to succeed Kathleen N. Sullivan (resignation), term to expire March 11, 2008.

**Fire Commission:**

Robert J. Haley to succeed Peter Favreau (resignation), term to expire May 1, 2009;  
and

Gregory Timbas to succeed himself, term to expire May 1, 2020.

**Planning Board:**

David Eaton to succeed himself, term to expire May 1, 2010;

Richard Molan to succeed Kevin McCue (term limited), term to expire May 1, 2010;  
and

Daniel Pinard to succeed Richard Molan as an alternate, term to expire May 1, 2010..

Mayor Guinta stated these nominations will layover to the next meeting of the Board pursuant to Rule 20 of the Board of Mayor and Aldermen.

Alderman Forest moved to suspend the rules and confirm the nominations of Gregory Timbas and David Eaton as presented. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

5. Confirmation of the nomination of Donald Jorgensen to succeed Brian Cashman (resignation) as one of two Londonderry representatives to the Airport Authority, term to expire March 1, 2009.

On motion of Alderman Duval, duly seconded by Alderman Osborne, it was voted to confirm the nomination of Donald Jorgensen as presented.

6. Confirmation of the nomination of John Lucas to succeed himself as a member of the Board of Adjustment, term to expire March 1, 2010.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne, it was voted to confirm the nomination of John Lucas as presented.

7. Confirmation of nominations to the Central Business Service District Board as follows:
  - Peter Ramsey as an at-large member, term to expire May 1, 2009;
  - Ron Dupont as a district member, term to expire May 1, 2008;
  - George Bruno as a district member, term to expire May 1, 2009;
  - Paul I. Mansback as a district member, term to expire May 1, 2009; and
  - Tim Bechert as a district member, term to expire May 1, 2010.

On motion of Alderman Thibault, duly seconded by Alderman Forest, it was voted to confirm the nominations to the Central Business Service District Board as presented.

8. Confirmation of the nomination of W. Stephen McMahon to succeed himself as a member of the Manchester Development Corporation, term to expire March 11, 2010.

On motion of Alderman Thibault, duly seconded by Alderman Roy, it was voted to confirm the nomination of W. Stephen McMahon as presented.

9. Confirmation of the Board's support in appointing Mr. Seumas J. Regan to fill the vacated position of School Committee Member for Ward 3.

On motion of Alderman Long, duly seconded by Alderman Pinard, it was voted to confirm the Board's support in appointing Seumas J. Regan to fill the vacated position of School Committee Member for Ward 3.

On motion of Alderman Gatsas, duly seconded by Alderman Pinard, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

### **OTHER BUSINESS**

12. Report of the Committee on Finance, if available.

There was no report of the Committee on Finance presented.

13. A report of the Committee on Human Resources was presented advising that it had approved Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Parking Shift Supervisor) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.026 Security Officer); Section 33.026 (Custodian); and Section 33.026 (Cashier) of the Code of Ordinances of the City of Manchester”

and recommending the Board suspend the rules to adopt the ordinance at the April 17, 2007 meeting for continuity of employee and service coverage; and further recommending that the Parking Division be authorized for the following positions effective May 1, 2007:



Cashier:	2FTE, 1PTE
Custodian:	1FTE, 1PTE
Security Officer:	1FTE
Parking Shift supervisor:	1FTE

Alderman Roy moved to accept, receive and adopt the report of the Committee on Human Resources/Insurance. Alderman O'Neil duly seconded the motion.

Alderman Gatsas stated it took a while for the lease at the garage to be terminated, I think that was a question I've been asking for the last five years but we finally resolved it.

Alderman O'Neil asked Alderman do I recall a snowstorm on Amory and...

Alderman Gatsas stated we were at the credit union when that happened...it was probably some six years ago and I certainly think it was time that we do this. I have some reservations that we as a City are going to jump into this because I'm not too sure with everything that we're doing with the person that's been hired in putting all of these things on her plate all at once gives me a real comfort level. I'm not saying that she's not qualified to do it I just say that there's an awful lot on the plate all at once and when you start looking at some of the positions and the questions that were raised in the committee...there were questions raised in regards to she's going to supply us with some more information and I don't know if she's concluded that as of yet and I think she's shaking her head so maybe I can see what those look like, your Honor, because I haven't seen them yet and obviously there's a flow chart that was presented to the committee and some of the reaction that I had I'm getting a little bit concerned with all the things that she has in her plate that it's more of a...maybe you'll want to read them, Brandy...what she believes is her essentials as a department, I don't want to call her a department head but certainly in the position that she's in and maybe you can read them to this Board as you did to the committee just so that they get a flow from what I heard...what I figured the expectations of the job...your job description. I think you had read some statements to the committee about what you thought you'd be doing in the future.

Ms. Brandy Stanley, Parking Manager, stated I'm not sure I understand.

Alderman Gatsas stated you read off a sheet of paper that you had what your job description you thought were going to be in the future as this flow chart was presented to us.

Ms. Stanley stated the job description of my employees in the future.

Alderman Gatsas stated for yourself.

Ms. Stanley repeated for myself.

Alderman Gatsas stated correct.

Ms. Stanley stated I'm not sure that I did that. One of things that I said when I was talking to the committee was that with a lot of the things that I'm already doing it would be very difficult for me to take on all of the operational responsibilities on a micromanaging level for the entire operation that's just not possible.

Alderman Gatsas asked do you have a sheet of what you were reading from when you read it to us?

Ms. Stanley stated what I was addressing were the two positions that were not funded in the 2008 budget that were part of the Victory Garage Management Proposal that was approved by the whole Board.

Alderman Gatsas stated the sheet that you were reading to us of what you said you were going to do in the position that you're now in...you were reading off of a bullet sheet...am I correct?

Alderman Duval stated what I recall in committee was that I think what Ms. Stanley was alluding to was just sort of highlighting...I don't want to put words into your mouth Ms. Stanley...but sort of highlighting what your basic job responsibilities are...it must be evident because you were just hiring and I'm sure those were clearly delineated for you when you were hired so I don't think we have to go over that again but it seemed to me you were sort of highlighting what you thought your job responsibilities were for the committee.

Ms. Stanley stated most of what I've been doing since I've been hired has been spending a lot of time with the public, spending a lot of time with the business leaders, the Aldermen, putting together policies, building an organization...I spend an enormous amount of time in meetings every week and there's a lot of projects that are underway and with those responsibilities there are things like doing ticket audits and entering revenue into HTE and just basic communication with my employees that I cannot be responsive because I just don't have the time because of all of the other things that I'm working on. I would hope that the Board would want me to continue to do what I'm doing as opposed to take a step back and get into the paperwork and the minutia of managing the operations and one of the things I was talking about in committee was our operation...the Parking Control Officers (PCO's) are beginning to take over the Victory Garage has more than doubled in size and the administrative duties that go along with that have also more than doubled. So I'm aware of what's in my job description but I'm not going to be able to unless the committee wants me to take a step back from developing policy and working on projects. I'm not going to be able to do a lot of the stuff that needs to be done on a daily repetitive basis.

Alderman Gatsas stated I guess my follow up, your Honor, is we just heard that those duties have just about doubled and I think it's imperative that you understand the minutia of every

employee in that department just so that you have a great handle on what's going on in case two of them decide to leave one day and then we have a burden in saying okay how do we get to the next point...that's my concern. My concern is this department has grown so quickly with \$5.8 million on the plate it's not like you are real familiar with Manchester because you've only been here some five or six months so until you're in the atmosphere of Manchester so that as you know it you can proceed because I think most people here will tell you it's a very different business climate and a very different City to participate in and I think it's important that we don't give you too many things to do because that's only asking for a problem down the road.

Ms. Stanley stated Alderman my response to that is that before I came here I was responsible for 70 locations and over \$15 million a year in revenue over the entire state. I grew up in the parking industry, I've managed probably 50 or 60 garages during the course of my career. I very much understand the minutia of what it takes to operate what I'm responsible for. I don't believe that I'm losing a handle on how my operation runs or how it's suppose to run as a matter of fact in burying in a lot of the details in order to make sure that everything functions properly.

Alderman Lopez stated I just want to clarify in my own mind...I don't dispute your qualifications. You mentioned the word micromanage...what do you mean by that, do you think we give you a mission, a job and you go and do it...are we, committees holding you back or is staff holding you back from making decisions or policies and moving and making sure that the Parking Enterprise moves forward.

Ms. Stanley replied no that's absolutely not...I've been nothing but pleased with the freedom that this Board has given me since I came here. I'm talking about doing things like auditing parking tickets or processing receipts, doing a lot of the administrative functions that have been done and we need to develop policies for the new things that are coming on but that doesn't necessarily mean that I would be able to do much of any of it because I just don't have the time given the other things that we're working on and I do have a very qualified staff but that doesn't change the fact that the administrative side of it is doubling in size since our operation is. I understand what it takes to get it done, I understand the minutia of how to do it it's a matter of finding the people and time to get it done.

Alderman Lopez stated okay I just wanted to clear that up.

Alderman Shea stated I think the discussion if you might recall had to do with the fact that you wanted a customer service person and during the course of that you listed some of the responsibilities that would be shifted from your responsibility to the customer service responsibilities and, therefore, that was the discussion that ensued. Is that my understanding of what transpired?

Ms. Stanley replied that's basically correct. The crux of the problem is the workload on Denise Boutilier who basically had a full-time job before I got here and now that the organization has grown in size the sheer volume of the paperwork and all of the administrative duties that have to be done as well as answering the phone and being able to respond to immediate customer service issues is going to be right next door to impossible for both of us to do even together...that what was I was talking about.

Alderman Shea stated that's really why the Alderman questioned you about that particular phase of your work vis-à-vis the customer service employment.

Ms. Stanley stated that's correct.

Alderman Roy stated I was going to ask the Clerk quietly but is there a motion on the floor so far?

Mayor Guinta replied there is.

Alderman Roy asked what is it?

Deputy City Clerk Johnson replied to accept the report.

Alderman Roy stated the report is to pass this. My questions basically go to and you can answer these Brandy. We just got handed a wage analysis and I'm always one that we should keep names off of wage analyses but this one has it on with the current positions, proposed position, current annual pay, proposed annual pay, proposed pay grade and a variance. We're always sitting here hearing that we need to run the City more like a business but we're moving something that is a business that has a private side to City side and we're increasing pay for some jobs or correct me if I'm wrong if they're not similar by \$8,600 and I for one don't understand that that these are jobs that we're creating in the City to be exactly what they were, why are we increasing them almost \$9,000?

Ms. Stanley replied I will probably defer to Ms. Lamberton on exactly how we came up with the pay grades for that but what I will say before she chimes in is that is not a surprise. This is not something that I was unaware of that some of these employees were going to be at a higher pay rate than what they're making right now. Where the real benefit to the City is number one having the parking operation down at the Victory Garage but we're also going to save \$12,000/year on management fees and we're also something to the tune of \$35,000/year on liability insurance premiums. So you can't just look at the payroll and say it's going to cost us more to run this because it's not it's probably actually closer to about the same as proposed in our original proposal.

Alderman Roy stated I don't disagree with any of that and that extra \$47,000 is fantastic and I'm glad we're doing this but if I perform a job day in and day out 8 hours a day and get paid a certain rate in the private sector just because you change it from private to public I don't understand the difference...some of these are \$2,500 bumps in pay.

Mayor Guinta interjected we pay very well.

Alderman Roy stated I know we pay very well, Mayor. So, I guess I would defer to Ginny to comment and what our options are here.

Ms. Virginia Lamberton, Human Resources Director, stated we don't classify people, we have a classification system, look at the level of responsibilities in the City, in the duties and the position and apply it to the classification plan and then we look in relationship to what other positions that have similar duties are and determine what classification this position should be. So these were based on the duties that Brandy submitted to my office for the new organizational structure if we run Victory Garage. There's no...what's the right diplomatic word to say...it's irrelevant how much money these people made prior to coming here just as it is when we're hiring any other employee. Each company has their own way of compensating their employees.

Mayor Guinta stated so you're essentially saying that these positions have to fit into the Yarger Decker system that has been adopted.

Ms. Lamberton stated that is correct.

Mayor Guinta stated so this is a scenario where the public sector is actually going to pay more than the private sector for the same job responsibilities which is the point you're trying to make.

Alderman Roy stated right and the point I was eventually going to get to, your Honor, is Yarger Decker was created seven years ago.

Ms. Lamberton interjected 1999.

Alderman Roy stated there are times that I've seen positions and some of these in that case may not mirror the private sector is looking at and I think it may be time that either through your office or HR that we take another look at Yarger Decker and see the merits of it and some of the downfalls that go along with it.

Alderman Osborne stated I was just wondering, Ginny, when was the last time these people did get some sort of an increase or whatever. How long has it been since they've had an increase?

Ms. Lamberton replied the individuals that work at Victory Garage.

Alderman Osborne stated right.

Ms. Lamberton replied I have no knowledge of that.

Ms. Stanley stated they get annual increases. I don't know how much they are. Usually with a company like that they're usually capped about 2.5% or 3%. I don't know for sure, however, that's an assumption.

Alderman Gatsas stated I guess, Ginny, have we ever had a cashier at a garage before?

Ms. Lamberton replied we haven't run the garage before.

Alderman Gatsas stated so we could create job descriptions and they may not be at the classifications that you have.

Ms. Lamberton stated we could but we have people that are cashiers at McIntyre and the duties were very similar. If you look at the class specification...

Alderman Gatsas asked aren't they part-time?

Ms. Lamberton replied part-time doesn't have any impact.

Alderman Gatsas stated I asked for this for the particular reason that alderman Roy was going there and I looked and it's an \$8,000 increase.

Alderman Shea stated I know that there are listed employees there but these are the present people working in this jobs it doesn't necessarily mean that these are the people that will be hired necessarily. There will be an open hiring practice and that was brought up, I believe Brandy, is that correct?

Ms. Stanley stated it was brought up and that wasn't the understanding that we had when we had...at least that I had when the proposal was passed. I think that one of the reasons it was proposed was that there was some desire to continue to employ...but employ those people that had had years and years and years of service with the garage. Obviously, it's at the Board's pleasure whether or not it's advertised. I would just remind the Board that we have to have these people in place by May 1<sup>st</sup>, which is two weeks from today.

Alderman Shea stated but what I'm saying is there should be an open policy on the City's part in order for people to apply...that doesn't necessarily exclude these people and they

certainly would probably have the experience that you're looking for but the point of the matter is that people are allowed to apply for these positions and that's what I think I brought out at the meeting and it was concurred by the other members of the committee.

Alderman Osborne asked may I have a follow-up, your Honor.

Mayor Guinta replied alright and then I'll go to Alderman DeVries.

Alderman Osborne stated I just wanted to ask a question. I think Ginny would probably know this one more so than you because you haven't been here long enough but how long have some of these employees been with the City like bill Kelley, for instance.

Ms. Lamberton replied they're not City employees.

Alderman Osborne stated well whatever...how long has he been here, how long has he worked at the garage?

Ms. Lamberton replied actually Brandy would know that...if anybody knows it Brandy's going to know that.

Ms. Stanley stated I just spoke to him this evening and he said it was 15 years.

Alderman Osborne stated 15 years...and here we've got a current hourly wage of \$11.25 and you want to increase it to \$12.68 is that right?

Ms. Stanley replied that's according to the pay grades.

Alderman Osborne stated what I'm trying to say here is McDonalds's and Burger King almost pay that money...for a guy that's been here 15 years I think he well deserves it.

Alderman DeVries stated I'm sure Kevin Dillon doesn't want to be dragged into this discussion but I just quickly ask him because he is an individual that has the employment of individuals in a parking garage/cashier specifically and I simply ask him the three positions that were there the hourly rates if they were comparable to the contract labor they have at the Airport and he indicated to me that they were. In fact two of the salaried rates look like a starting position...maybe a little bit less than what he's paying for an hourly rate at the Airport. Just because I thought we were giving the impression that we are paying these people something that is not true to the private sector...there's a comparison to the private sector. Thank you.

Mayor Guinta called for a vote on the motion to accept the report. There being none opposed, the motion carried.

Alderman Forest moved to suspend the rules and place the ordinances on their final readings by titles only. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

Alderman Gatsas stated this is another one that we're not sending to the Committee on Bills on Second Reading so maybe I can ask Ms. Lamberton to bring that amendment in that we had crafted that this shouldn't happen but I couldn't get my colleagues at that point convinced that it should and maybe we need to bring it back in so that we can rethink our positions on sending these matters to Bills on Second Reading.

Mayor Guinta stated I'm sure she would be happy to do that.

Ms. Lamberton stated I'd be happy to do that.

Alderman O'Neil stated this has been a targeted date actually April 1<sup>st</sup> the targeted date to take this action. You're the one more than anybody here that has pushed for this to happen...we get a Parking Manager on board, she makes it happen and now we want to slow her down...do you want her to extend the contract another two or three months to make that happen. She's pushed the date to get this thing done to make it effective May 1<sup>st</sup>.

Alderman Gatsas stated I think you must have misunderstood me, Alderman.

Alderman O'Neil stated I don't know what's being bypassed here.

Alderman Gatsas stated back about 18 months ago I had made a proposal that Human Resources positions would bypass Bills on Second Reading and this Board decided it wasn't in favor of that and I believe the last six proposals that came before us we've waived Bills on Second Reading so I'm only saying we should be consistent and take it out and not have any of them go there because there's no reason for them to go there.

Alderman Lopez stated just a comment. This is an enterprise system and I only note two but if you say six you'll have to prove it to us.

Mayor Guinta stated a motion is in order to read by titles only.

On motion of Alderman Roy, duly seconded by Alderman Duval, it was voted that the Ordinances be read by titles only and it was so done.

“Amending Sections 33.024, 33.025 & 33.026 (Parking Shift Supervisor) of the Code of Ordinances of the City of Manchester.”



“Amending Section 33.026 (Security Officer); Section 33.026 (Custodian); and Section 33.026 (Cashier) of the Code of Ordinances of the City of Manchester.”

Alderman Roy moved that the Ordinance pass and be Ordained. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

Alderman O’Neil stated I think Brandy deserves a lot of credit. She took this and got it done in a very short time period and I think she deserves some credit for that. She’s been on board as Alderman Gatsas said maybe five or six months and it’s something we’ve been talking about doing for five or six years so she deserves credit for that and navigating the various processes of government here in the City of Manchester.

Mayor Guinta stated I think she’s doing an excellent job of navigating the political process in Manchester.

Alderman O’Neil stated I didn’t say just political processes I said the processes.

A report of the Committee on Public Safety and Traffic was presented advising that it has approved use of the Arms, Bedford Street and Pearl Street Parking Lots for events as enclosed herein.

Alderman Roy moved to accept, receive and adopt the first report of the Committee on Public Safety and Traffic. Alderman Long duly seconded the motion. There being none opposed, the motion carried.

A report of the Committee on Public Safety and Traffic was presented recommending that a flashing signal at Massabesic and Cypress Streets be approved.

Alderman Roy moved to accept, receive and adopt the second report of the Committee on Public Safety and Traffic. Alderman O’Neil duly seconded the motion. The motion carried with Alderman Forest duly recorded in opposition.

A report of the Committee on Public Safety and Traffic was presented recommending that the Board of Mayor and Aldermen establish a Special Committee on Parking in the Vicinity of High Schools consisting of three members . The Committee further requests that the Chairman of the Board and subsequently the Committee appoint the membership to consist of the three aldermen who represent districts in which the high schools are located .

The Committee notes that the purpose of the subcommittee will be to review and make recommendations with regard to parking by students in the vicinity of the high schools and has requested that the Parking Manager and School officials be included in the discussions.

Alderman Duval moved to accept, receive and adopt the third report of the Committee on Public Safety and Traffic. Alderman Long duly seconded the motion.

Alderman Gatsas stated wouldn't it make sense that we have some public input on that subcommittee.

Deputy City Clerk Johnson stated the special committee could do so or you could make a motion to amend the report to include public comment.

Alderman Duval stated I initiated this discussion and proposal to the Public Safety Committee and to be honest with you this is very, very preliminary and Alderman Gatsas in response to your question this may very well lead to input by the public...I imagine it would, however, we are just broaching this issue now. It's all encompassing, it's very involved, obviously very sensitive and I imagine the committee will be relying heavily on the experience and wisdom of our new Parking Manager to try to just collect data and facts. For instance, what other school districts are doing...we've just barely scratched the surface and in 30 days report back to the Committee on Public Safety and then going from there. So I imagine Alderman yes we will be including or inviting public input and also reaching out to the School Committee as well.

Mayor Guinta called for a vote on the motion to accept the report. There being none opposed, the motion carried.

**15.** State Legislative update to be presented by Mayor Guinta and seeking the Board's opinion of the following:

Mayor Guinta stated there are three items...we can take them individually that I feel the Board should weigh in on. The first one is:

- a) HB 311 establishing a committee to review liability issues for commuter rail operations.

Mayor Guinta stated we can take that one (a) by itself or with item (b) since they're related:

- b) SB 75-FN relative to establishing a south central NH rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in NH.

Alderman Duval asked your Honor can you tell me the Southern NH Planning Commission have they taken a position on either of these?

Mayor Guinta replied I believe they're in favor of both...very staunchly I would imagine. Is there a motion on the floor.

Alderman DeVries moved to support both items (a) HB 311 and (b) SB 75-FN. Alderman O'Neil duly seconded the motion.

Alderman Gatsas asked is there any discussion about what this cost might be?

Mayor Guinta stated we can have the discussion...I'm asking for discussion and nobody raised their hands.

Alderman Gatsas stated I guess SB 75 I'm just a little bit familiar with that one and I voted against it because somebody's got to first tell us cost and how it's going to pay for whatever we're going to do. There's no question that when you start looking at what the cost is on a rail system you start running into a problem. If the State's going to subsidy it that's fine, if that's what everybody agrees to but I'm not too sure I'm in agreement with that.

Alderman DeVries stated I think if they look on SB 75 page 4 out of 8 you'll notice that the authority will have the ability not only to acquire property and property rights which is number 7 but number 8...accept gifts, grants or loans of money or other property...so the authority itself will have the ability to accept federal grants or other grants that will be needed to establish it.

Alderman Lopez stated maybe the Senator could brief us a little bit on the bill...it's been to committee...we've got two Senators and representatives here...what's their recommendation. We're voting on something that I don't even know what we're voting on yet.

Alderman DeVries stated and certainly SB 75 I know is a bill that has had strong support as you noted just from Southern NH Planning, Nashua Regional Planning, our Airport Director has been supportive of that in fact we would like to have it added right onto the Commission...it's a House amendment that has been under discussion. This bill has passed...SB 75 has passed the Senate and has now crossed over and will be heard in the House. The other bill is a house bill originated in the House. I don't know the docket on HB 311 if that has been scheduled for its policy hearing at committee and maybe the Mayor or the Airport Director might be more familiar but that will have a hearing in the Senate and then go to vote on the Senate floor so it will have a committee vote as well as a full floor vote.

Mayor Guinta asked in the Senate or in the House?

Alderman DeVries replied the HB 311 has crossed over and will now come to the Senate and vice-versa the senate bill will now be heard in the House.

Alderman Lopez stated I know we appointed a committee as a Board here and I think Mr. Dillon was part of it. I'd like to have his comments and would feel more comfortable...I think there were four people right Alderman O'Neil.

Alderman O'Neil stated there were five members and at least four of them are here this evening...Mr. Preece, Mr. Thomas, Mr. Smith and Mr. Dillon are four of the five members of the Transportation Advisory Committee.

Alderman Lopez asked I was just wondering if they had any input maybe Mr. Dillon could come up and give us some assurance that the committee is well aware of what's going on as our ambassadors to the transportation aspect of it.

Alderman DeVries stated your Honor while they're coming to the podium if I might...this is a...SB 75 is a very strong economic development tool for the City of Manchester and I think we have heard testimony to that effect, it's an important piece of legislation for all of southern New Hampshire.

Alderman Gatsas interjected your Honor with all due respect I suggest that everybody take a look at the fiscal impact because I think fiscal impacts are certainly a driving factor for anybody that looks at legislation in the state and if you read this fiscal impact which appears on the backside of the bill it says...

Alderman Shea asked where are you?

Mayor Guinta replied it's on the last page of the bill.

Alderman Lopez stated while we're looking at that I know I read in city newspapers across the country about rails and some cities hurt because they do it and I just want to make sure that our representatives are familiar with what's going on here. I know everybody wants it.

Alderman Gatsas stated it says here "the Treasury Department has determined this bill may increase state expenditures by an indeterminable amount." Now, when somebody puts that there "indeterminable" there's a scary number.

Mayor Guinta stated however it does also say there's no fiscal impact on county or local...and local expenditures for state, county and local revenues. Your point is valid...

Alderman Gatsas interjected with all due respect, your Honor, the problem that we have here with a budget is the same problem we have at the State level.

Mayor Guinta stated this is the City of Manchester. We, I think, have an obligation and an opportunity to identify whether we would like to see this legislation move forward as it relates to the City of Manchester. There are 400 representatives and senators as well who need to make decisions on behalf of the state regarding the state side expenditure. I think that we should support the concept of rail as a matter of alternative transportation in the State. It doesn't mean that the City is supporting any local dollars for it. As a matter of fact

I think that the state if they so want to move forward they should be funding this, they shouldn't be asking the City to be a partner because this is part of I think the statewide transportation network. But, that's for the legislators to determine. If this Board chooses to be silent on the issue then that's this Board's right but the Board I think should at least make some statement about it. We are a large part of this and from what I continue to hear the state legislators would like at the very least to know if Manchester is willing to support the concept of rail but that's very different I think than the expense side that the state legislators have to address and there's not question you're correct there is an indeterminable fiscal impact to the State of New Hampshire but that is why we have our senators and our representatives to best address those issues.

Alderman DeVries interjected just a follow-up to that comment because you can't take that statement out of context. If you look at the methodology it does say that the Rail Transit Authority that's issued the revenue bonds has a responsibility to pay for them. It's only in the case that they default that there is a revenue piece to be picked up by the state and that is the reason that they cannot be determined what the cost would be to the state.

Mayor Guinta stated and it's of an extremely legitimate issue that should be addressed at the state level. There were concerns when this type of support was established with Pease and that dialogue should continue at the state level.

Alderman Thibault stated Southern NH Planning Commission has been dealing with this for the last three or four years and it's been pushed back a couple of times but now it's coming back to the Board quite often and we supported it and Southern NH Planning supports it, however, the costs and who is going to pay for what had not yet been determine, however, there are some major federal grants that come along with this I know that.

Mayor Guinta stated that's true but there is a state cost that has to be addressed...there's no question about it. It's a cost that concerns me but I think conceptually we need to at least convey an opinion about whether the state should be moving forward with a statewide transportation plan and should this be included in it. It doesn't require...this is not a vote about are we going to support local funding. As a matter of fact as I read it I would advise that we be absolutely silent on that issue.

Alderman Lopez stated I just wanted to make sure that the players are communicating and we're are comfortable in voting if we're going to vote to give our endorsement up there when we have people that are responsible to have input and I know the Senator has input into it being up there so with that I would like to hear comments from the two individuals.

Mr. Kevin Dillon, Airport Director, stated I can certainly speak from the Airport perspective. I believe this is a very important piece of legislation and a very important project not only for the Airport but for the state. I think you will recall that recently the Airport moved forward

and initiated our own bus service to provide connectivity between the Airport and Boston. This is an extension of that same thing that we're trying to accomplish and in fact at some point we are hopeful that the Airport's subsidy of the bus service can be minimized and that some of this get picked up by a rail service that I do believe the state has an obligation to back. I think just as the Mayor said the City has taken a position in the past that supports the widening of I-93...there's nothing different here and I think the City can certainly take a position that they support rail but certainly indicate that just as highway widening is the responsibility of the state rail initiation is the responsibility of the state. I think really what this legislation does is to create an authority that really creates the backbone for the state to move forward as an organization, as an entity to start looking for federal funds. There is no doubt if rail is to be restored here in the state the vast majority of that funding would have to come from the federal government but just as the Mayor has also pointed out there is a state matching share that would be required under any federal grant. Certainly, whatever the Airport would contribute to this project could be considered as a portion of the state's matching share. I don't think anybody today can tell you exactly what the total matching share will be until this Rail Authority is put together and actually moves forward with a proposal. There are a number of proposals on the table. It originally started with bringing rail service up from Nashua/Manchester and certainly with an intermediate stop for the Airport. The Airport in our financial plan we have allocated \$2 million towards this project for the construction of an Airport Rail Station that we would envision in the commercial area off of Brown Avenue. If we did expend the full \$2 million for this project that would count towards that matching share. So, again, there is funding. It is my understanding that the state has allocated funding in this fiscal year budget I believe it was on the order of \$100 million with the state to initiate this Rail Authority. So, again, I'll just say again from the Airport perspective this is an extremely important project. I think our connectivity to metropolitan Boston and connectivity up and down the line whether it's the Route 3 corridor and hopefully at some point we'll also talk about some rail service in the 93 corridor but you need to start this somewhere and I think it's very, very important that the City go on record as supporting this legislation. As it relates to train service to downtown Manchester I'll let Bob talk to that point.

Mr. Robert MacKenzie, Director of Planning, stated if I could your Honor I could just add three quick points. One the City did commission Angelou Economics out of Austin, Texas to do basically...how do we do long-term economic development in the City and certainly it was in that report but in his testimony Angelos Angelou indicated that if you got commuter rail service to Manchester you could basically put your economic development program on auto pilot...it's that important, I think, for economic development activities and our competitors...Portland, Maine, Lowell, Worcester, Providence all have competitive commuter rail service and they are looking to expand theirs so it's not just that they're comfortable but they see it as an important opportunity. So, I do think from an economic development standpoint there's not a lot of new things the City can do to really attract future development but that is one and it also has strong support from the public. I notice that

Nashua Regional Planning Commission in conjunction I think with *The Nashua Telegraph* had done a survey of residents not just in Manchester and Nashua but the entire valley and basically that came in with a 91% very favorable in terms of commuter rail back to this region.

Alderman Lopez moved the question.

Mayor Guinta stated there is a motion on the floor correct.

Deputy City Clerk Johnson replied yes there is to support.

Alderman O'Neil asked are we going on record on both bills because I think HB 311 is ask critical and I don't know if Mr. MacKenzie or Mr. Dillon happen to know the specifics but is New Hampshire the only state in New England or the northeast that doesn't have a cap on rail liability if I recall something to that effect?

Mayor Guinta replied I don't think we have a cap currently.

Alderman O'Neil stated we're the only one that does not have a cap. I think all the other states have caps...that has made rail investment easier from what I understand. It's a major hurdle to get over not having the cap.

Alderman Gatsas asked who's going to pay?

Alderman O'Neil replied I don't know but apparently the other...

Mayor Guinta stated we're not going on record on whether we think we should have a cap.

Alderman O'Neil stated all HB 311 does is set up a committee to study it but it has to do with a cap.

Mayor Guinta stated correct.

Alderman O'Neil stated that New Hampshire is very unique but that has been...my understanding from...I think there was a presentation on trains, planes and automobiles or something one day...the Chamber hosted it. This is a major issue in getting rail service back in this state. But, all 311 does is actually set up a committee to study it. So, hopefully, we can go on record in favor of that.

Mayor Guinta stated the motion is to support (a) and (b) and called for a vote on the motion. The motion passed with Alderman Gatsas abstaining from (a) HB311 and recorded in

opposition to (b) SB 75-FN, Alderman DeVries recorded as abstaining from (a) HB 311 and Alderman Long duly recorded as abstaining from SB 75-FN.

Alderman O'Neil asked maybe the Transportation Advisory Committee in the next few weeks could get together and just review not only these but any other transportation related issues.

Mayor Guinta stated put it on their next agenda.

Alderman O'Neil stated there are four of the five of them here this evening.

and opposition to the following:

c) HB 143 relative to the apportionment of damages in civil actions.

Alderman Shea voted to oppose HB143. Alderman Garrity duly seconded the motion.

Alderman O'Neil asked your Honor can you or someone give a quick review.

Mayor Guinta stated there is a letter in here from Harry Ntapalis it says "pursuant to your inquiry on our subsequent discussion about the position that the City should take regarding HB 143 please note that it's passage would increase the City's liability exposure in matters of apportionment even when fault is not ours. The legislation would enable claimants to obtain payment from deep pocket defendants in excess of their fault." As I understand it there is an opportunity to assign fault to a no fault party and make them accountable financially and that's something that Harry has asked us to oppose.

Alderman Long stated I voted in favor of this bill. From what I heard at the committee hearing there was apportionment of fault once there's been a...from what I understand from this it was a...for example, with Worker's Comp...this would...you would be able to...if I worked for Company A I can't sue Company A so I'm suing the insurance company or a general contractor. From what I understand you could put fault on your company at 20% so that way the insurance company would only pay me at 80% and at the 100% of my disability. I don't understand where the City...I don't see where they pick deep pockets in this bill, I don't get that, I don't see where they do that.

Mayor Guinta asked are there any other comments. There were none.

Mayor Guinta called for a vote on the motion and requested a roll call.

A roll call vote was taken. Aldermen Roy, Long, Lopez and Forest voted nay. Aldermen Duval Osborne, O'Neil, Shea, Garrity, Smith and Thibault voted yea. Aldermen Gatsas and DeVries abstained. The motion carried to oppose HB 143.



Alderman Shea stated we have Harry Ntapalis who represents the City and I think Harry has the best interests of the City not that the people voting in Concord don't...I'm not saying that but when we have someone at the City level who is responsible for any liability claims and so forth and we've always been pleased with his work I think we should obviously take his expertise into consideration and support what he has to say. It's too bad he isn't here to kind o make that decision but nevertheless we depend on him. Thank you, your Honor.

Alderman DeVries stated I'll make a comment and this is a House Bill that I haven't heard the testimony on so it's very difficult to speak to it today. What I have heard about this bill is that there's seems to be a lot of miss information out there. Apparently, today there has to be a finding of at least 50% of the blame in order for an individual to be found...to have an apportionment of the damages. So, if you are not at least 50% to blame for an accident or for an injury you're not going to be found totally responsible for the claim. Apparently, in 2003 there was some sort of a lawsuit that turned the way that the lawsuits were paid out for 20 years to the Supreme Court and came in with a finding that changed that decision and this is returning it back to the way apparently that findings were in the state for 20 years. I know the Municipal Association had a letter and that's really the only information I've seen on it in their newsletter and they're stating things like if you're 1% percent at blame you could be found 100%. It's not my understanding but it's a bill we haven't heard yet and I'm sure it's going to be fully vetted in the legislature. I've heard that this is very confusing and difficult and problematic to understand so I'm not surprised there's a lot of misinformation out there. Thank you.

**16. Proposal submitted by Mayor Guinta to reduce spending in Fiscal Year 2007.**

Mayor Guinta stated I had intended to submit a proposal this evening to reduce FY2007 spending...just given the events of the week I'm not prepared to present it to the Board at this time so I'm going to withdraw it and I'll bring it back at the next BMA meeting.

**17. Communication from Kevin Dillon, Airport Director, requesting an additional 30-day unpaid leave of absence for Operations/Maintenance Specialist Richard Votour to allow additional time to obtain a further medical prognosis to determine his ultimate ability to return to work.**

Alderman Roy moved to approve the request for an additional 30-day unpaid leave of absence for Richard Votour as outlined. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

**18. Communication from Chief Jaskolka seeking funding in the amount of \$10,550 for estimated costs associated with fiber optic cable installation and purchases of computers and printers for the Kelley Street Police Substation.**

Alderman Shea moved to refer the request for funding to the Mayor for 2-to-4 weeks to research for possible funding. Alderman Thibault duly seconded the motion.

Mayor Guinta stated he's asking because there's not money currently funded in the '07 budget. Could you allow me 2-to-4 weeks to see if we can get someone from the business community to try to assist us with this payment. If we can't find someone in the community who's willing to do it then we can figure out.

Alderman Osborne stated contingency, your Honor.

Mayor Guinta stated we could but I was hoping to have some of the spending issues that we have to address this evening...I'm just not ready to do it. So, all I want is 2-to-4 weeks at most. It shouldn't impact the project. We're going to do it one way or the other I just want to see if we can get someone from the business community to help us out.

Alderman O'Neil stated I just wish that when this particular building was presented to us...these things have to be laid out during those times and I'm curious why this \$10,000 for this substation but whatever work we did at Maple Street...I don't think we appropriated any money for equipment. We had appropriated money for some minimal fit up inside so I'm just curious what the difference is...maybe your office can get back to me on that. We're told this is the greatest thing since sliced bread now we've got to fund \$10,000 towards it.

Mayor Guinta stated it's having a substation on the west side on Kelley Street. I think it's important for the neighborhood, I think we all share that.

Alderman O'Neil stated we were never told we were going to have costs on our side for that...that stuff needs to be communicated up front.

Mayor Guinta stated fair enough. We'll provide some additional information to the Aldermen.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

- 19.** Communication from Richard Riddle, Parks Business Services Officer, requesting \$35,000 be reserved in either contingency or salary adjustment in order to meet an anticipated shortfall in regular salaries.

Mayor Guinta stated I know he sent this letter...this is something we have asked departments to notify us of as we get closer to the end of the fiscal year. Would anybody object to sending it to Finance.

Alderman Lopez moved to refer the request to the Finance Department. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

- 20.** Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

Deputy City Clerk Johnson presented the amount of \$112,842.39.

Alderman Osborne moved to commit the warrant in the amount of \$112,842.39 to the Tax Collector under the Hand and Seal of the Board of Mayor and Aldermen. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

- 21.** Report(s) of the Committee on Community Improvement were presented as follows:

A report of the Committee on Community Improvement was presented recommending that the Board of Mayor and Aldermen approve a commitment to match funding for the Manchester School of Technology project at an anticipated \$2.5 million with bonding of project funds to be done at the appropriate time.

The Committee notes such action by the Board is recommended to commit to the local share of funding toward the \$7.425 million in funding anticipated from the State of New Hampshire during the currently proposed State CIP Budget biennium.

Alderman Garrity moved to accept the first report of the Committee on CIP. Alderman Pinard duly seconded the motion.

Alderman Lopez stated the question I have on this is what does “commitment” mean... commitment is going to be accepted up there rather than a resolution that this Board has taken action to put the bond in place. I bring that up because when Frank Thomas came up there and we bonded \$5.5 million and we’re not going to go out until 2009 but we took an official vote to bond \$5.5 million...my only concern...I sat in on the CIP Committee and many a discussions with the School Department and the Sites Committee Chairman and the Director of the School of Technology...we have two Senators up there and Senator Gatsas sits on those committees up there and I understand it’s in the Senate and other communities and speaking also to representatives and Alderman Long is that going to be acceptable saying that we’re going to do it other than making a motion and bonding it. We’re not going to go out for the bond but just like with the \$5.5 million somebody’s going to be paying the Highway Department somewhere along the line until those bonds replace the money that we’re paying. So, I think we need a clear understanding here that just because we’re going to bond it it’s not going to be bonded now it’s going to be bonded whenever but the money is going to be used as Randy Sherman and other Finance Officers always move money around here and there...always seem to find it in some other place but I’m concerned that if this commitment really means anything and we don’t have a resolution and actually a vote in bonding.

Mayor Guinta stated a couple of points...simply heard from the Finance Officer that he feels it would...it satisfies the commitment. I think this can be sent up to the State to show our commitment. I've also said I would have a meeting with the School District and the appropriate state whether elected officials and/or state officials and we're working on trying to schedule that meeting to ensure and convey that point personally. This is why I think this is probably in front of us tonight so we can vote on it and say this is our commitment, we support the project and when appropriate we'll bond the money. So, I don't see any problem. I think this is sufficient but I will continue to make sure that anyone who doesn't feel that this is a commitment they will get the commitment from the City of Manchester and I'll do that as soon as we get that meeting scheduled I'll let you know.

Alderman Lopez stated I'm still concerned when they sit up there and look and say a commitment from Manchester is not the same thing as an actual vote of a resolution for a bond.

Alderman Long stated I spoke with Mr. Leather's from the Department of Education today who assured me that if the project starts prior to January of 2009 then the commitment is there. So, what we're saying is we're bonding this in the next budget, which would be when.

Mayor Guinta stated we will issue a bond resolution when necessary which from my understanding does not stop the construction, which adheres to the construction schedule that they have laid out. But in order to confirm that I'm scheduling a meeting with myself, school administration, any state officials and elected officials that need to be at the meeting so we can ensure that everyone is on the same page.

Alderman Lopez stated I just had one other question. I'd like to ask the Senator since it's in the Senate would he like to comment in reference to that because these other people to give a commitment, if we give a commitment to Paul Leather who is part of the process here and they go to the Senate and say we've got a commitment from Manchester is that sufficient.

Alderman Gatsas stated I think it's important first to know what the time frame that the School District has in mind. Now, if they don't have in mind starting this project before January of 2009 then I would say we're fine. If they're talking about starting that project in the next four months then I would say there's a problem. So, I don't know what that time frame is, I don't know what they conveyed to the Mayor so I think that's a question that when they come up...

Mayor Guinta stated what's been conveyed to me is a construction schedule that begins in fiscal year 2009 but to make sure that that is accurate I am having the meeting up in Concord and if that changes I'll report back to the Board and we can address it then but I think we all support this project, we want to see it done, so we'll get it done.

Alderman Shea stated I think your Honor you're in a position whereby if you find out that within the next four months we have to have a bond resolution then you're coming back to us like you just said and most of the members if not all would rather take advantage of this. So, basically whatever the course is you'll be in a position to tell us exactly what we should do and when we should do it...deal or no deal.

Mayor Guinta stated absolutely.

Alderman Gatsas stated the only question I have and I certainly am not the one to address it but we have a project that's I assume has been priced out and the bonding is whatever it is...let's say a round number of \$10 million. If that project exceeds the \$10 million because we're not starting it today and costs go up I believe those overruns belong to the City because the State's only going to give you \$7.4 million. So somebody needs to clarify if we don't start it soon and we wait a year to start it and those cost overruns are there who's going to pick them up and what could those be and I think that's a very important issue.

Mayor Guinta stated we can get that issue addressed.

Alderman O'Neil stated two points: number one, we may be required to bond in Fiscal Year '08 correct.

Mayor Guinta asked who are you asking?

Alderman O'Neil replied you.

Mayor Guinta stated I think we may have to issue a resolution.

Alderman O'Neil stated I do agree with Alderman Gatsas' point it's not cost overruns, it would be if the cost at the time doesn't reflect the same cost at the time the estimate was put together. I hope the estimate's a good estimate.

Alderman Lopez stated one final question...what is the problem in making the resolution and moving forward even if it's later 2009 at least the resolution is there that there is no question about it. We can always tear up the resolution if they don't give us the money.

Mayor Guinta stated I'm not sure I understand the question.

Alderman Lopez stated my question is what is wrong in taking a vote on bonding \$2.5 million to make sure as you go into these meetings that you have a bond resolution and that's the commitment that we're giving...not that we're going to do it.

Mayor Guinta stated I guess there’s no problem with it but this is still moving through the legislature. I think there’s maybe confusion here but as far as I’m concerned there’s no confusion with state officials. If and when the state finalizes their commitment we will then finalize our commitment but in the meantime this document that we’re voting on this evening I think more than exceeds the responsibility we have to convey our interests and our level of commitment to the project. So, I would encourage you vote this, you support it. I’ll have the meeting in the next couple of weeks up at the state, I’ll come back and give everyone an update. If there’s a change we’ll make the change.

Alderman Lopez stated I hope so.

Mayor Guinta called for a vote on the motion to accept the first report of the committee. The motion carried with Alderman Gatsas duly recorded as abstaining.

A second report of the Committee on Community Improvement was presented recommending that the Highway Department be authorized to proceed with the Island Pond Road Bridge Replacement project expending the full \$300,000 at this time.

Alderman Garrity moved to accept, receive and adopt the second report of the Committee on CIP. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

A third report of the Committee on Community Improvement was presented recommending that the proposed FY2008 CIP Appropriating Resolution be amended to provide for reallocation of \$197,000 in cash funding, \$75,000 in CDBG funding and adding \$20,000 in Central Business District Revitalization Funds (CBDRF) as follows:

*Amend Page 2, paragraph 3 of the resolution by substituting \$17,189,511 in federal, state and private grant funds for \$17,489,511;*

Amend Tables as follows:

**Table 1 – Federal, State, Other Funds**

**Remove:**

510608 Rockingham Recreational Trail - \$320,000 State

**Increase:**

510008 Summer Concerts by adding \$20,000 CBDRF –  
(\$29,800 total - \$9,800 of Arts Funds; \$20,000 CBDRF)

*Decrease total of table from \$17,489,511 to \$17,189,511.*

**Table 2- Community Development Block Grant, Emergency Shelter Grant, and Home Funds**

**Decrease:**

211308 CHS Capital Improvements - \$25,000 CDBG  
(from \$75,000 to \$50,000)

610108 Housing Initiatives - \$25,000 CDBG  
(from \$150,000 to \$125,000)

611608 Neighborhood Pride – Business Incentives - \$25,000 CDBG  
(from \$150,000 to \$125,000)

- Add:**
- 411608 Weed N’ Seed \$50,000 CDBG  
and add under notes “Also Funded in Table 3”
  - 511008 Martineau Park - Add under notes  
“Any remaining funds from project to be applied towards design and engineering of playground at West Junior Deb Field”

- Increase:**
- 211408 CHS Child Health Services \$25,000 CDBG  
(from \$44,000 to \$69,000)

**Table 3- City Cash**

- Remove:**
- 510008 Summer Concerts - \$20,000 Cash
  - 510608 Rockingham Recreational Trail - \$80,000 Cash
  - 612108 Manchester Area Convention & Visitors Bureau - \$80,000 Cash

- Decrease:**
- 211408 CHS Child Health Services - \$7,000 Cash  
(from \$75,000 to \$68,000)
  - 511308 Millyard Maintenance - \$10,000 Cash

- Add:**
- 511508 Weston Street Neighborhood Park \$16,000 Cash
  - 511608 Veterans Park Memorial Repairs \$10,000 Cash
  - 810508 Employee Training & Development \$14,500 Cash  
(Note: HR to work with Library for the development of an in-house newsletter)
  - 810608 Motor Vehicle Registration System - \$140,000 Cash

- Increase:**
- 411608 Weed N’ Seed - \$16,500 Cash  
and add the following notation “Also Funded in Table 2”

Alderman Garrity moved to accept the third report of the Committee on CIP. Alderman Duval duly seconded the motion.

Alderman Gatsas stated don’t we have to accept this in Finance. We can’t accept this here as the full Board. The CIP budget is in Finance.

Mayor Guinta stated clarification from the Clerk please.

Deputy City Clerk Johnson stated the CIP budget is at the Board level. It was referred to the Board level by action taken by the Board prior to the public hearing.

Alderman Gatsas asked can someone give me an explanation of the Passive Weston Observatory Park for \$16,000.

Deputy City Clerk Johnson stated it’s Weston Street Neighborhood Park for \$16,000 I believe that’s what he’s asking.

Mayor Guinta asked who’s the appropriate person to answer the question.

Alderman Duval stated essentially this is what I term as seed money to begin to beautify this neighborhood park and again I think after some citizen input from residents in the area potentially trees, vegetation, curbing, maybe some sidewalks, etc., etc. This is basically an opportunity to recreate this beautiful piece of land that is utilized by our City's young children. It's used passively right now, that is the intent. They are not looking to do anything elaborate as what was proposed last year and this is basically just to scratch the surface...encourage residents of the area to participate and initiate what's suppose to be a passive play area.

Alderman Gatsas asked where is that park located.

Alderman Duval stated it's the former site of the Weston Street Firehouse and the adjacent land, which was turned over to the Parks Department a year ago.

Alderman Shea stated I have no objection. The only problem and I believe years ago Alderman Hirschmann brought up the fact that we do have different projects that we do fund but we never take into consideration the maintenance of this. Right now, we have to look at how we're going to maintain the different properties that we have. I'm certainly not opposed to this but I think we didn't put into place I many instances how we are going to maintain different parks that we have and different areas and obviously we were listening last night...it's not a crisis level it's beyond that at Parks and Recreation so I think that we have to really think through when we decide to do different types of projects and again I think this is worthwhile and its seed money but I think we do have to consider how we're going to maintain these...whether it be the Riverwalk or whether it be any other project.

Mayor Guinta stated I think Alderman Duval would like to respond to that.

Alderman Duval stated your Honor and members of the Board. I think it's important to understand the residents are very, very much in favor of essentially, minimally beautifying what's there already...the Parks Department has for years maintained that area that's adjacent to the faculty parking lot at McDonough School...they mow it, they pick up trash, etc., etc. so in terms of future maintenance they're not going to be doing anything more than what they're doing now. This is essentially going to provide...hopefully some way of just basically outlining the park area and the perimeter with some natural vegetation that hopefully won't require a whole lot of maintenance but the residents are very cognizant of that and don't want to impact negatively for years to come or add increased burdens to the Parks Department.

Alderman Shea stated hopefully Parks and Recreation will be able to do that but you heard last night that this may be down in the priority list and therefore they may not so the residents there who receive this should maybe kind of get together like my wife has done for years with St. Anthony's Park. She did it and maintained it so I think we don't live next to



there. So that's what I'm trying to tell you is that you may not get the services you need. When you meet with the residents you may have to explain that to them.

Alderman DeVries stated I just wanted to thank both you and the members of CIP for finding a way to take care of Child Health Services within this budget and shifting the dollars around to address their operating budget shortfall. They provide a very important, essential service to the City keeping many of our neediest citizens with healthcare out of emergency rooms saving us all money in the bigger picture and I thank you all for that effort.

Alderman Roy stated just a brief statement regarding Weston Park. It was this Board that allocated \$25,000 towards the Stark Park plan when we had crime and problems there and it was that seed money that helped The Friends of Stark Park which is now a 300-member organization...the Park has been listed on the National Registry and is currently working through its master plan. So, a little bit of seed money very often can lay the groundwork to a lot of neighborhood participation and I believe that is what Alderman Duval is looking for.

Alderman Pinard stated clarification on Rockingham Recreational Trail...this Alderman's been working many years to try to get that trail open from Massabesic Lake down to Mammoth Road...why is there a shift of money...I've been talking to the state...everything is on target to start in 2008. Now there's a lot of people looking for this and now they're going to be turned back because maybe this money is being shifted to somewhere else. I think the people using the trail are right at the threshold of having something that they want and somebody is turning their backs and I don't think it's right.

Mayor Guinta stated the money is not being reappropriated...does the money still exist for the project...let me let Alderman Garrity clarify.

Alderman Garrity stated the money still exists for the project. Apparently, there was some confusion in the CIP process this year. The project is going to start in '08 but will be in the fiscal year 2009 CIP budget. So, it's actually in there a year earlier.

Alderman Pinard stated your Honor I am not going to vote for this because I don't think it's right...the people of Ward 6 have been waiting for this thing and all at once somebody made a mistake. Well somebody in somebody's office don't know what they're doing. Thank you, your Honor.

Alderman Gatsas stated I'm looking at the \$140,000 for a motor vehicle registration system...why can't we take that out of the one time fund balance that we have and take that \$140,000 and apply it in the budget...that's going to help some departments. Your Honor there's an awful lot of money that we have from the Bridge Street Bridge that we got from Comcast insurance funds that are still left.

Mayor Guinta stated we just actually appropriated that for Hallsville roof and to me this is a cash item. I don't know if we can use economic development funds.

Alderman Gatsas stated there's the sale of the land that we had at the top of Wellington Hill, there's a bunch of...there has got to be other accounts that we have that we don't have to spend \$140,000 in cash out of this budget and we can move it to a department that \$140,000 would make a big difference for. We're going to run into a problem in the Clerk's office with the voter registration problem...that's a \$140,000 problem that's going to exist.

Mayor Guinta stated I don't think it's \$140,000 but again the recommendation is that it is being paid for out of CIP cash.

Alderman Gatsas asked is there no other place we can get it.

Alderman Garrity stated that's the recommendation, Alderman, if you want to change it you can change it.

Alderman Gatsas stated I'm asking Finance what do we have for accounts for money that's hanging around and maybe there's some money in the South Willow Street Fire Station...there must be something left in there. It seems to always appear when somebody else is looking for it.

Alderman Garrity stated but it has to be a bondable item to use that money, this is not a bondable item.

Mr. Sherman stated this wouldn't be a bondable item, however, that being said several years ago you did set up a trust fund for MER and technology related items that you've made one deposit into...\$500,000. If you chose to you could draw those funds out of there but other than that it's cash.

Mayor Guinta stated it's cash...out of the reserve...do you want to tap the MER reserve for it.

Alderman Lopez stated \$500,000 in technology...didn't you say that.

Mr. Sherman stated it's available there for that purpose, however, it's woefully underfunded as it. In the Mayor's budget he has put in \$250,000 for technology...he did that in the '07 budget as well and I know if you ask Info Systems they'll tell you they probably could use six, seven, eight hundred thousand dollars a year in technology. The Mayor's funding the project, it's in the '08 recommended budget. Using the money that you put in there in '06 I'm not sure that really benefits you in what you're trying to do.

Alderman Gatsas stated if we're doing it with the motor vehicle registration system then we could do it with something else like Frank Thomas' cell. It's obviously a choice of the Board and I don't think we should just arbitrarily be doing this until we have a heavy discussion on where we're going to move money in the budget.

Alderman Roy stated I would remind my colleagues that we're just voting to accept the report of the committee. The next item which is number 22 regarding the appropriating resolution for CIP so there's an appropriate time for this and I believe it's when we have that full fledged conversation.

Mayor Guinta called for a vote on the motion. The motion carried with Aldermen Gatsas and Pinard duly recorded in opposition.

**22. Appropriating Resolution**

“Approving the Community Improvement Program for 2008, Raising and Appropriating Monies Therefore, and Authorizing Implementation of Said Program.”

**23. Appropriating Resolution:**

“A Resolution appropriating to the Manchester Airport Authority the sum of \$58,865,030 from Special Airport Revenue Funds for Fiscal Year 2008.”

**24. Appropriating Resolution**

“A Resolution appropriating the sum of \$15,007,892 from Sewer User Rental Charges to the Environmental Protection Division for Fiscal Year 2008.”

**25. Appropriating Resolution:**

“A Resolution appropriating to the Parking Fund the sum of \$5,299,591 from Parking for the Fiscal Year 2008.”

**26. Appropriating Resolution:**

“A Resolution appropriating the sum of \$2,253,110 from Recreation User Charges to the Recreation Division for Fiscal Year 2008.”

**27. Appropriating Resolution:**

“A Resolution appropriating to the Manchester Transit Authority the sum of \$1,176,714 for the Fiscal Year 2008.”

**28. Appropriating Resolution:**

“A Resolution appropriating to the Manchester School District the sum of \$147,250,000 for the Fiscal Year 2008.”

**29. Appropriating Resolution:**

“A Resolution appropriating to the Manchester School Food and Nutrition Services Program the sum of \$5,898,950 from School Food and Nutrition Services Revenues for Fiscal Year 2008.”

**30. Appropriating Resolution:**

“Raising Monies and Making Appropriations for the Fiscal Year 2008.”

**31. Appropriating Resolution:**

“Appropriating all Incremental Meals and Rooms Tax Revenue Received by the City in Fiscal Year 2008 and held in the Civic Center Fund, for the payment of the City’s Obligations in Said Fiscal Year Under the Financing Agreement.”

**32. Appropriating Resolution:**

“A Resolution appropriating to the Central Business Service District the sum of \$244,000 from Central Business Service District Funds for Fiscal Year 2008.”

**33. Resolution:**

“Continuation of the Central Business Service District.”

Alderman Lopez moved to table Items 22 through 33. Alderman Roy duly seconded the motion. The motion carried with Alderman Pinard duly recorded in opposition.

Alderman Lopez stated I just need a clarification because I missed something...Randy Sherman...we have \$500,000 in what account now technology.

Mr. Sherman stated you set up a capital reserve fund for technology and MER. Again, it was supposed to be funded annually so that at some point the earnings in that account would supplement the budget.

Alderman Lopez stated I just want to clarify...the Mayor took \$250,000 out of that or do you have a balance of \$500,000.

Mr. Sherman stated the Mayor has put \$250,000 in the current year budget for current year spending. He’s not putting any money in the reserve.

Alderman Lopez stated we could take \$140,000 out of there for this particular item.

Mr. Sherman stated it is there for MER and technology.

Alderman Lopez stated thank you.

**TABLED ITEMS**

**34. Report of the Committee on Bills on Second Reading recommending that Ordinance:**

*“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”*

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)*

*(Tabled 09/05/2006)*

This item remained on the table.

**35. Report of the Committee on Bills on Second Reading recommending that Ordinance:**

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”  
ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)  
(Tabled 09/05/2006)*

This item remained on the table.

**36. Communication from Randy Sherman, Deputy Finance Officer, updating the Board on status of payments due the City on the Bridge and Elm project.  
(Tabled 04/03/2007)**

This item remained on the table.

**37. NEW BUSINESS**

Alderman Shea stated as you know we appeared on MCTV and there is going to be a WARD 7 meeting with the Mayor on Thursday at St. Anthony’s Elementary School at 148 Belmont Street at 6:30 PM and I’m inviting people in Ward 7 to attend and express their views and obviously their concerns, their complaints and whatever else they have to do. So let’s hope there’s a good group so you can kind of answer their needs. I’ll be glad to answer their needs if I can but you’re the spokesman.

Mayor Guinta stated it’s a team effort.

Alderman Gatsas stated I brought before HR when Brandy was there but I had a constituent call me today in regard to the parking kiosks and that he put his money in twice and didn’t get his ticket and he went in and did what he had to do and came out and he was getting a ticket and he talked to the meter maid and told him that he had put his money in and it wasn’t working and she said you should have walked to the next one in the driving rain to try the next one and he said am I supposed to walk around the whole City if they’re not working. So, I would think that there should be some sort of process that if you were standing there and somebody checked that that wasn’t working they shouldn’t have issued them a ticket.

Mayor Guinta asked can you take that up with the Parking Manager?

Alderman Gatsas stated I took it up with her but I want to make sure because I’m sure that the explanation she gave me is that the rain went up through the kiosk and got the register wet and she said they shouldn’t have acted that way.

Mayor Guinta stated I will get a written explanation from her to me and then I'll provide it to you.

Alderman Gatsas stated thank you. I can just tell you that the constituent was very upset by it.

Mayor Guinta stated we'll take care of it this week.

On motion of Alderman Roy, duly seconded by Alderman Long, it was voted to recess the regular meeting to meet with the Chief Negotiator for a negotiation strategy session.

Mayor Guinta called the meeting back to order.

There being no further business to come before the Board, on motion of Alderman Pinard, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

City Clerk